

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Joe Franklin Sanders,)	Cr. No. 6:99-cr-768-MBS-1
)	C/A No. 6-16-cv-2218-MBS
Movant,)	
)	
v.)	
)	
United States of America,)	OPINION AND ORDER
)	
Respondent.)	
)	

This matter is before the court on Defendant Joe Franklin Sanders’s (“Defendant”) motion to correct sentence under 28 U.S.C. § 2255, which motion was filed on July 12, 2016. Defendant argues that in light of the Supreme Court’s holdings in *Johnson v. United States*, 576 U.S. ___, 135 S. Ct. 2551 (2015), *Welch v. United States*, 578 U.S. ___, 163 S. Ct. 1257 (2016), and *Mathis v. United States*, ___ U.S. ___, 136 S. Ct. 2243 (2016), he no longer qualifies as an armed career offender under the Armed Career Criminal Act (“ACCA”) and his sentence should be vacated and corrected. ECF No. 93. On February 21, 2017, the government filed a response agreeing that Defendant’s motion should be granted and he should be resentenced without the armed career criminal enhancement.

The court **grants** Defendant’s motion for relief under 28 U.S.C. § 2255. ECF No. 93. The judgment order in the within action entered August 30, 2000, is **vacated**, and this matter is set for resentencing on March 21, 2017. A notice of hearing will be issued separately.

IT IS SO ORDERED.

s/ Margaret B. Seymour

Honorable Margaret B. Seymour
Senior United States District Court Judge

February 23, 2017
Columbia, South Carolina